

REMARKS

In response to the Notice of Non-Compliant Amendment dated November 2, 2006, Applicant submits that the present Amendment is in compliance with 37 CFR 1.121. The present Amendment is responsive to a final Office Action mailed April 27, 2006.

Claims 1-29 are pending in the application. The title stands objected to for not being descriptive. The specification stands object to as failing to provide proper antecedent basis for the claimed subject matter. Claims 1, 18, 19, and 23 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1, 18, 19, and 23 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention for using the phrase, "terminating a communications path." Claims 1-9 and 11-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Haller et al. (U.S. Pat. No. 6,804,558) ("Haller"). Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Haller in view of Fan et al. (U.S. Pat. No. 5,815,126) ("Fan"). Applicant is amending claims as listed herein above. Claim 30 is being added. Upon entry of the Amendment, claims 1-30 will be pending. No new matter is being introduced by way of the amendments.

With regard to the objection to the title, Applicant has amended the title as provided above so as to be more descriptive of the claimed invention. Accordingly, Applicant respectfully requests that the objection to the title be withdrawn.

With regard to the rejections of claims 1, 18, 19, and 23 under 35 U.S.C. § 112, first and second paragraphs, Applicant respectfully traverses the rejections. Applicant respectfully disagrees that "terminating a communications path" was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention and that the phrase lacks written description. For example, see Fig. 1 showing exemplary terminals 110 (i.e., terminals 114, 116, 118, 120, 122, and 124) and the associated description in the specification. However, the phrase "terminating a communications path" has been deleted from the claims and the word "terminal" used in each of the noted claims. As "terminating a communications path" is no longer in the noted claims, Applicant respectfully submits that the rejections are moot, and

requests that the rejections of claims 1, 18, 19, and 23 under 35 U.S.C. § 112, first and second paragraph, be withdrawn.

Remarks Regarding Rejections under 35 U.S.C. § 102(e)

Claim 1 as amended in the Claim Listing above recites:

a multiplexer in communication with said processing system to multiplex the converted data signals from the at least two of the local terminal ports to communicate data of the local terminals simultaneously via said remote access port to the service provider

Support for the claim amendment can be found in the specification as originally filed at page 15, first paragraph (lines 1-9):

That is, where a particular number of devices are sharing a connection, and the air interface can accommodate that particular number of logic channels in a single physical layer connection (e.g., a frequency divided into logical channels using, for example, time-division multiple access, code division multiple access, orthogonal frequency division multiplexing, or other statistical or frequency multiple access techniques), then each device may be mapped to a logical channel of the air interface and the devices may simultaneously communicate data through the connection.

Referring to Fig. 5, a multiplexer 510 combines data from the terminals 110 (Fig. 1) and transmits the data simultaneously to a network communications unit (NCU). The multiplexer 510 thus transmits the data simultaneously between the wireless network adapter 106 and the network communications unit via a remote access port 108 (Fig. 1).

Haller discloses multiplexers 84 (Fig. 3) and 55 (Fig. 5). The multiplexer 84 of Fig. 3 digitizes analog signals and voltages to provide "real-time" telemetry intracardiac signals and battery end-of-life replacement functions (Col. 12, lines 31-34). The example implantable medical device (IMD) 10 of Fig. 3 thus is able to provide data related to a heart 8 and other data, such as data related to a battery, but only data of one IMD 10 is multiplexed by the multiplexer 84 of Fig. 3. The multiplexer 55 of Fig. 5 multiplexes signals from electrodes selected for coupling to a bandpass amplifier 49 and thereafter converted to multi-bit digital signals by an A/D converter 57 for storage in random access memory 59 (Col. 15, lines 32-36). The data is

stored in memory rather than transmitted, and the data is for a single IMD rather than multiple IMD's. Haller discloses multiple IMD's 10, 10', 10'', 10''' in Fig. 8, but does not disclose a multiplexer or other device in the communications module 100 or mobile telephone 110 to allow data from the IMD's to be communicated simultaneously to a remote communication system 120 and remote computer system 130. Applicant notes that the statement by Haller in col. 22, lines 23-26 in which he states that parallel communications protocols may be used is with respect to serial communications protocols, such as RS-232, and does not refer to transmitting data from multiple IMD's simultaneously.

Accordingly, Applicant respectfully submits that claim 1 as now amended distinguishes over Haller and requests the rejection under 35 U.S.C. § 102(e) be withdrawn.

Claims 2-9 and 11-17, which depend from claim 1, should be allowable for at least the same reasons and Applicant respectfully request that the rejection under 35 U.S.C. § 102(e) be withdrawn for these claims.

Independent claims 18, 19, and 23 have been similarly amended as claim 1 and should be allowable for the same reasons. Dependent claims 20-22 and 24-25, 26-27, and 28-29, which depend from amended independent claims 1, 19, and 23, respectively, should be allowable for at least the same reasons.

Remarks Regarding Rejections under 35 U.S.C. § 103(a)

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Haller in view of Fan et al. (U.S. Pat. No. 5,815,126) ("Fan").

The present Office Action states that "the Fan reference teaches a wearable computer including at least one of a wearable eyeglass computer or a wearable audio computer in order to provide the advantage of allowing the user to see or hear voice or video data." Since Fan does not provide for the deficiency of Haller with respect to the limitations of amended claim 1 ("to communicate data of the local terminals simultaneously via said remote access port"), Applicant respectfully submits that the rejection of claim 10 under 35 U.S.C. § 103(a) has been overcome.

Claim 30, which depends from claim 1, is being added. Support for this claim is recited above and can be found in the specification as originally filed at page 15, first paragraph (line 1-9). This claim should be allowable for at least the same reasons as claim 1.

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Serial No. : 09/746,484
Filed : December 21, 2000
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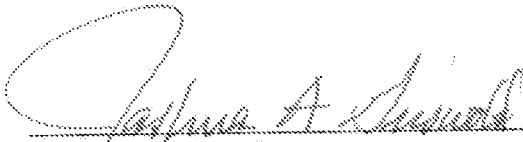
Conclusion

In view of the above, it is believed that the application is in order for issuance. Should the Examiner have any further questions or comments, the Examiner is invited to call the Applicant's representative at the phone number provided below.

A check in the amount of \$25 for excess claim fees, a check in the amount of \$395 for the Request for Continued Examination filing fee, and a check in the amount of \$225 for the Petition for Two-Month Extension of Time were enclosed with the Amendment filed September 26, 2006. Applicant believes no further fees are due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to deposit account 06-1050.

Respectfully submitted,

Date: December 4, 2006


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